

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ALLEN BENNETT,

Petitioner,

v.

DAVE REDNOUR,

Respondent.

No. 09-cv-175-DRH-DGW

ORDER

HERNDON, Chief Judge:

Before the Court is a Report and Recommendation (the Report) (Doc. 25) issued on January 24, 2012, by United States Magistrate Judge Donald G. Wilkerson recommending that the motion to dismiss (Doc. 24) filed by respondent be granted, that the petition be dismissed as moot, and that the Court adopt its findings of fact and conclusions of law. The Report also recommends that Dave Rednour, the current Warden of Menard Correctional Center, be substituted for Donald Hulick and that Roger E. Walker be dismissed as an improper respondent. Upon issuance, the Report was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" by February 10, 2012. To date, none of the parties have filed objections, and the period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas*

v. Arn, 474 U.S. 140, 149-52 (1985). Thus, the Court **ADOPTS** the Report in its entirety (Doc. 25). Respondent's motion to dismiss is granted and the case is closed. Pursuant to Rule 11 of Rules Governing § 2254 Cases in the United States District Courts, the Court denies the issuance of a certificate of appealability in this case. The Clerk is to enter judgment accordingly.

IT IS SO ORDERED.

Signed this 14th day of February, 2012.


David R. Herndon
2012.02.14
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Chief Judge
United States District Court